

REMARKS

Claims 1-11 are pending in the application. These claims were rejected as follows:

Claims / Section	35 U.S.C. Sec.	References / Notes
1 & 11	§103(a) Obviousness	<ul style="list-style-type: none">• Arndt, et al. (U.S. Patent No. 5,204,917).
2-4	§103(a) Obviousness	<ul style="list-style-type: none">• Arndt, et al. (U.S. Patent No. 5,204,917); and• Klope, et al. (U.S. Patent Pub. No. 2003/0070868).
5-8, 10	§103(a) Obviousness	<ul style="list-style-type: none">• Arndt, et al. (U.S. Patent No. 5,204,917); and• Killion, et al. (U.S. Patent No. 5,878,147).
9		<ul style="list-style-type: none">• Arndt, et al. (U.S. Patent No. 5,204,917); and• Uvacek (U.S. Patent No. 6,154,546).

5 Applicant has provided discussion below for distinguishing the present invention from the references cited against it and respectfully requests reconsideration of the application.

Applicant's use of reference characters below is for illustrative purposes only and is not intended to be limiting in nature unless explicitly indicated.

10 **35 U.S.C. §103(a), CLAIMS 1 AND 11 OBVIOUSNESS OVER ARNDT**

1. *Arndt fails to teach or suggest a microphone module and hearing aid device module being detachably connectable with the microphone module housing supplementing the hearing aid device module housing to have a uniform effect.*

In the OA, on p. 2, the Examiner stated that Arndt's Figs 1 and 10 and specification at col. 6, lines 20-34 teaches all of the elements of independent claims 1 and 11 with the exception of the fact that Arndt does not expressly disclose that the hearing aid device module houses an additional microphone
5 module. The Applicant respectfully traverses this rejection.

Arndt discloses a microphone module 16 that attaches to a hearing aid module in essentially uniform effect as illustrated by Fig. 1A. However, there are two key elements missing from the disclosure of Arndt that are required by the independent claims of the application.

10 First, the microphone module 16 of Arndt is not detachably connectable. As illustrated by Fig. 16, and described at 6/20-34, the microphone module 16 is first soldered to the circuit board 230 at microphone module pins 112, and this is soldered to the side 232 of the circuit board 167 just below the potentiometers 167. One of ordinary skill in the art would not consider a "detachable" connection
15 as being a connection that is soldered together.

As the Examiner notes, Arndt fails to teach that the hearing aid device module houses an additional microphone module, but notes that directional hearing aids are well known in the art and that Arndt teaches an additional slot containing connections for a separate audio input to the hearing aid. The
20 Examiner then states that it would have been obvious to one of ordinary skill in the art to provide an additional microphone in the slot of Arndt for improved directional reception.

The independent claims of the present invention require two separate components that are detachably connectable, each component containing a microphone.

If the Examiner is equating Arndt's microphone module 16 to the
5 microphone module of the present invention, then Arndt fails to teach or suggest two elements of the present invention—namely, the requirement for the microphone module being detachably connectable, and the requirement that the hearing aid device module with a hearing aid device housing comprises its own microphone, separate from the microphone of the microphone module.

10 If the Examiner is equating Arndt's additional microphone (not shown) that can be connected to the connections 238 for separate audio input to the hearing aid as being equivalent to the microphone module of the present invention, then Arndt fails to teach or suggest that the microphone module housing supplements the hearing aid device module housing to form a housing of the hearing aid
15 device having a uniform effect.

As an initial point, however, Arndt refers to the connections 238 as being for a separate audio input to the hearing aid, and it cannot be presumed that this would accommodate a microphone *per se*. As is commonly known in the art, such connections are frequently used to connect the hearing aid to an audio
20 source such as a television or radio—therefore, there is no clear teaching in Arndt that the connections 238 are related to an external microphone module. In such configurations, it is typical that an audio shoe is used that slips over the end of the hearing aid. The audio shoe itself does not contain a microphone, but

rather simply allows for a connection with a separate audio system. Thus, these systems are not “microphones”. and they are not a part of the hearing aid.

However, even if *arguendo* the attachment of a microphone to the connections 238 of Arndt was contemplated, the configuration of Arndt's connections 238 on an outer perimeter of the hearing aid would preclude attaching a microphone to provide a uniform housing effect for the hearing aid—instead, the connection of this additional microphone would, at best, form a substantial protrusion on the outside of the hearing aid, and at worst would require the presence of a cable.

Arndt makes absolutely no provisions for a second microphone located in a detachable module that provides the advantageous compact housing and aesthetic appearance, as required by the present invention, nor is the present invention simply an obvious variant of Arndt. The shape, size, and design of hearing aid is of importance not only for comfort and the sake of appearance.

Given the importance of these factors, Arndt fails to appreciate the importance of applying them to any sort of detachable microphone module that comprises an additional microphone—the addition of the microphone module to Arndt would destroy the aesthetic shape, size, and design of the hearing aid that is central to the independent claims of the present invention.

Since claim 11 depends from claim 1, it is also not obviated by Arndt.

**35 U.S.C. §103(a), CLAIMS 2-10 OBVIOUSNESS OVER A COMBINATION OF ARNDT,
KLOPE, KILLION, AND UVACEK**

2. *Applicant relies on the arguments made in the previous section and asserts that the addition of Klope, Killion and Uvacek, alone or in combination,*
5 *fail to teach or suggest the above-noted limitations with respect to the independent claims.*

In the OA, on pp. 3-6, the Examiner applied the additional references of Klope, Killion, and Uvacek in various combinations to address additional limitations included in the independent and dependent claims. Without
10 addressing these references on the merits, Applicant asserts that the limitations discussed above are present in the additional independent claims and notes that these limitations are not taught by any combination of Arndt, Klope, Killion and Uvacek—the Examiner cited these references as disclosing other features.

For these reasons, the Applicant asserts that the claim language clearly
15 distinguishes over the prior art, and respectfully request that the Examiner withdraw the §103(a) rejection from the present application.

CONCLUSION

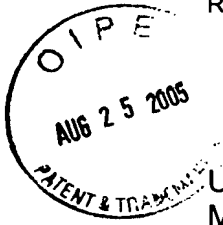
Inasmuch as each of the objections have been overcome by the amendments, and all of the Examiner's suggestions and requirements have been satisfied, it is respectfully requested that the present application be reconsidered, the rejections be withdrawn and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

 (Reg. No. 45,877)

Mark Bergner
SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 Sears Tower
Chicago, Illinois 60606-6473
(312) 258-5779
Attorney for Applicants
Customer Number 26574

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Mark Bergner Attorney for Applicants